

Board of Commissioners

July 17, 2007 – 1:30 pm

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Major Moves and CEDIT

Engineer Lloyd and Highway Superintendent Painter discussed the projected CEDIT Plan through the year 2013. Discussion was had on adding select roads to the CEDIT Plan and the estimated cost. Painter discussed the upcoming road closures due to state road construction and the need to discuss with INDOT the amount of money given to the county to repair roads damaged by detoured traffic. Logsdon asked which roads were the most heavily traveled and therefore in the most need of keeping in good repair. Lloyd and Painter named several roads including old State Road 45 to SR 161, Fulda Shortcut, CR 600 E, CR 300 E, Orchard Rd, Midway CR 900 N, CR 1600 N, and Patronville Rd.

Discussion was had on putting some of the CEDIT money in a CD to draw interest. Gogel stated the county needs to make sure before investing in a CD that there are not any other roads or investments that are being overlooked which the money should be spent on.

The old State Road 231 will be resurfaced by the state before the county takes over the road. Lloyd stated that the commissioners would have to vote to add it to the CEDIT plan if wanted; it will not automatically be put on the plan.

Logsdon asked if any of the Major Moves money needs to be spent on district roads. Painter stated that there are several district roads in need of repair that the county does not have funds to repair. Painter said if the money was spent to upgrade a road to chip and seal, the county should not let it go back to being a gravel road. Logsdon asked how much more would be needed this year to repair district roads. Painter and Lloyd agreed that it would take at least \$200,000, split up between the three districts. Logsdon made a motion to request an additional \$250,000 of Major Moves money to be used to repair damaged district roads to be decided by Painter and Lloyd. Gogel seconded. All in favor. Commissioners agreed that the money will be equally divided among the three districts within reason.

Drainage

Logsdon asked how much CEDIT money could be set aside for drainage. Lloyd stated that \$50,000 can be set out without a problem, maybe \$100,000. Painter stated that \$100,000 may be too much, but agreed with \$50,000. Gogel stated the county needs to allow room for growth. Logsdon stated that when the drainage committee went before the council, the council suggested that CEDIT funds are looked at first. Logsdon further stated that the committee has come up with an estimated budget of \$120,000 each year. Rininger suggested \$50,000 out of CEDIT and \$25,000 to \$50,000 out of the Rainy Day fund; then only an additional of \$20,000 will need to be requested from the council. Painter stated that some money could be used out of Cum Bridge. Drainage Board Attorney Robinson stated that drainage work paid for out of Cum Bridge must be work which affects the bridge. Logsdon asked if there was agreement by everyone that CEDIT, Rainy Day, and Cum Bridge (as statute allows) would all be possible sources of funds for a drainage project. Rininger stated that the council always wants a solid plan and the committee has done a good job of providing that. Painter suggested using Rainy Day for the first year to show people it will work. Gogel agreed. Logsdon asked if Painter

anticipated any other major equipment requests. Painter stated nothing major, but he felt it would be nice to upgrade and trade in the county's Dura Patcher. Lueken stated that there will be funding coming in from Vectren to repair roads damaged from their pole replacement project.

Road Closures due to New SR 231

Logsdon asked about the roads in district two which will be closed with the completion of new SR 231, and how large vehicles which turn on them by mistake will be able to get out. Lloyd stated that the state will put in a cul-de-sac at the end of every road, even at the end of gravel roads. Painter stated that more dead end roads will be created to give access to land owners who will become land locked by new SR 231, but the state will build them a paved road and then turn it over to the county.

Logsdon asked if when old SR 231 becomes a county road and it is added to CEDIT, will another road have to be taken off of the plan. Lloyd answered no, as long as it fits into the budget.

National Memorial – Road Closure

Randy Wester, Superintendent of the National Memorial, explained to the commissioners that with next year being the beginning of the two year celebration of the Lincoln Bicentennial, the Memorial will be hosting a Mother's Day Weekend celebration May 9 -11. Wester further explained that there will be 5,000 to 8,000 scouts camping out that weekend. He would like to have a section of CR 300E as it runs through the National Memorial closed for safety of the campers from noon on the 9th to 6 pm on the 11th. Wester also stated that the First Lady Laura Bush has been invited to speak that weekend which will bring in even more visitors. Logsdon made a motion to approve the request. Painter asked if Wester would take care of the barricades and notices. Wester said yes. Gogel seconded the motion. All in favor. Logsdon asked where everyone will park. Wester stated parking will be at Heritage Hill High School with shuttles running back and forth.

Claims

Payroll claims for 7/6/2007 & 7/20/2007. Capital Trial Jury Pay claims. Gogel made a motion to approve all claims. Logsdon seconded. All in favor.

Health Insurance Additional

Auditor Shelton explained that due to more health insurance claims than normal this year the money for health insurance is running low. She stated that \$300,000 is the estimate for the remainder of the year. Gogel made a motion to request an additional of \$200,000. Logsdon seconded. All in favor.

Meeting Dates

Due to the holiday in September the courthouse will be closed on the normal meeting date of September 3rd. Rininger suggested moving the first meeting in September to Tuesday September 4th. The first meeting in October is scheduled for Monday October 1st, and it conflicts with the first day of the AIC conference. Rininger suggested moving that meeting to the prior week and meet on Friday, September 28th. Logsdon made a motion to approve a meeting schedule as follows:

Tuesday, September 4th at 8:45 am; Tuesday, September 18th at 2:30 pm;

Friday, September 28th at 8:45 am; Tuesday, October 16th at 2:30 pm.

Gogel seconded. All in favor.

Commissioner Budget

Gogel made a motion to approve the commissioner Budget, the courthouse budget, and the cumulative capital budget. Logsdon seconded. All in favor.

WTH

Shelton presented the commissioners the contract with WTH to prepare the GIS website for the state which is being paid for by a grant which was approved at the prior meeting.

American Enviro Services

Shelton presented the commissioners with a contract provided by Al Perdue with American Enviro Services which has the same contract rates as in prior years but the company has changed hands and would like a new contract signed. Logsdon made a motion to sign the contract. Gogel seconded. All in favor.

Spencer County Employee Benefits Reporting

Shelton presented the commissioners with the forms to report the Spencer County Employee Benefits. Logsdon made a motion to sign. Gogel seconded. All in favor.

Ambulance Rate Increase

Jane Stout presented the commissioners with a new ambulance pricing schedule reflecting the new intermediate level pricing. She stated they are comparable with surrounding counties. Logsdon made a motion to approve the new pricing. Gogel seconded. All in favor.

SIHO Stop Loss Disclosure Form

SIHO sent the commissioners the new Stop Loss Disclosure Form to be signed. Logsdon made a motion to sign. Gogel seconded. All in favor.

Bid Opening – Old Lamar Highway from SR 66 to CR 1100N

Lloyd stated that the engineering estimate for the project is \$297,345. Lueken opened and read the bids as follows:

| | |
|------------------------------|--------------|
| Metzger Construction Company | \$303,818.00 |
| Gohmann Asphalt | \$278,355.00 |
| J.H. Rudolph | \$266,816.25 |

Rininger asked if there were any public comments. None were offered. Lloyd examined the bids and recommended that J.H. Rudolph be awarded the bid. Gogel made a motion to award the bid to J.H. Rudolph. Rininger seconded. All in favor.

Rotunda – Universal Design

Universal Design sent the commissioners a Certificate of Substantial Completion for the Rotunda Project to be signed. Logsdon made a motion to sign. Gogel seconded. All in favor.

Rotunda – Final Payment and Indemnity

Lueken explained that Mominee Studios sent the commissioners the Application and Certificate for Final Payment and a request for approval of the release of the performance bond for the work done on the Rotunda. Logsdon made a motion to approve. Gogel seconded. All in favor.

County Road 675 E

Jeff Kaetzel asked the commissioners for permission to improve a portion of County Road 675 E., which currently is not being maintained by the county, and use it for driveway to the home is he is building. Rininger asked Painter for his input. Painter stated that it is no longer on the county inventory for maintenance. Painter questioned that if others build along the drive, will the county be required to upgrade the road. Logsdon stated that the other landowners along the road, which the drive comes off of, paid to have the road upgraded and asked if Kaetzel would be willing to consider paying his portion of that upgrade. Logsdon also asked if farm equipment would be running on the road. Kaetzel stated his farm equipment comes in from the other side of his farm; this drive would be used for personal vehicles only.

Lueken stated that the ownership of county road stays with the property owners to the center line of the road, until a road is formally vacated. Kaetzel’s property is at the end of the county road, with different owners on the east and west of the road. Lueken stated that the assessment cards need to be checked to see if the property owners are paying taxes on their half of the road.

Commissioner Gogel is one of the property owners and two of the adjoining property owners were in attendance. One of the property owners in attendance expressed concern that if Kaetzel sells the property, then the next owner would use the drive for farm equipment.

Painter stated that he would like it stated somehow that it is not to be maintained by the county. Lloyd stated that if he wants it to be a private drive it would have to be vacated, until then anyone could use the road because it is still a county road even though the county does not maintain it. Before a property owner could ask the county to start maintaining a road, it would have to be brought up to county standards.

Kaetzel obtained the assessment cards of the property owners from the Assessor’s office. According to the cards the property owners are not paying taxes on the road right-of-way and it is still a county road.

Lueken stated that even though Kaetzel is improving the ground at his own expense, anyone would be able to drive on it, and the only restrictions the county can put on it is a weight limit.

Logsdon asked Lueken what the procedure would be if the commissioners give permission to Kaetzel to use and improve the ground. Lueken stated that all of the owners could petition to vacate the ground, and then give Kaetzel a private right-of-way easement with the limitations they are wanting on the road. If one of

the land owners objects and does not want to petition to vacate, then it would stay a county road and no restrictions would be on the road. Rininger summarized by telling the land owners that if they want to have limitations on the road, then they should vacate the ground and give an easement. If it is opened as a public road then no restrictions can be put on it by the land owners. Lloyd stated that if permission is given today for Kaetzel to work on the road, it has to be done with the assumption that it will stay a county road; all of the land owners may not agree to petition to vacate the road. Gogel stated that it would have to be part of the agreement that the land owners will give Kaetzel the easement after the road is vacated.

Lueken stated that if Kaetzel is going to work on the road he should provide the county with a certificate of insurance naming the county and the land owners as additional insured and a signed statement saying the county is not bound to maintain the road. Rininger stated that before the county would agree to maintain the road it would have to be brought up to county standards. Logsdon made a motion authorizing Kaetzel to work on County Road 675 E. south of the point where it currently terminates as a paved road, if a two million dollar certificate of insurance is provided naming Spencer County, Spencer County Board of Commissioners, John H. & Debra Jane Kunkler, Oscar & Annetta Mehling Trust, and David Gogel. Gogel seconded. All in favor.

Logsdon asked what needs to be done at the August 6th meeting. Lueken stated that the land owners need to petition to vacate the land.

Health Insurance Committee

Pete Franzman of Franzman Insurance suggested at the last meeting that a committee of department heads be put together to review and make suggestions on future insurance options. Logsdon suggested that the school corporations in the county be contacted to see how they are handling rising insurance costs. Rininger asked for the topic to be placed on the next agenda.

Highway Report

Silverdale Road Project – Painter stated that Rudolph left tracks and indentions on the edge of the pavement when they turned around in private driveways. Painter is not happy with the way it looks. Lloyd spoke with the company and they agreed to not turn around in driveways on the next job, and that in time the traffic with help smooth it out. Logsdon asked if the final payment can be withheld. Rininger stated they at least need to come before the board and give an explanation. Logsdon made a motion to hold payment until Painter and Lloyd are satisfied with the work. Gogel seconded. All in favor.

Engineer Report

Reo Water – Lloyd stated that like other utilities Reo Water carries a \$25,000 bond to cover them to do work in the county rights-of-way. Their insurance carrier told them that the state lowered the required amount of a bond to \$5,000 and told her to check with the county. Lueken stated that it was discussed in regards to Fulda. Logsdon asked if \$5,000 would protect the county. Rininger asked if Lloyd and Painter would be comfortable with that amount. They both agreed that it would be enough in most cases. Gogel made a motion to reduce the required bond amount to \$5,000. Logsdon seconded. All in favor.

Legal Report

Lueken relayed his discussions with First American regarding the purchase of county tax data. First American has agreed to sign an Acknowledgement of No Warranty, which means they will not hold the county liable if there is an error in the records. Lueken recommended that the commissioners agree to the sale of the data. Gogel made a motion to approve the sale of the data. Logsdon seconded. All in favor.

Logsdon made a motion to recess until after the council decision on the additional for the reassessment contract and then reconvene to sign the contract. Gogel seconded. All in favor. The meeting is recessed at 4:50 pm.

Reassessment Contract

The meeting is reconvened at 5:05. After the council approved the additional for the reassessment contract, Lueken stated that the contract is for two years for a total of \$69,700. Logsdon made a motion to sign the contract. Gogel seconded. All in favor.

Logsdon made a motion to authorize President Rininger to sign the authorization for Manatron to sell the county tax data to First American. Gogel seconded. All in favor.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 5:10 pm.

Board of Commissioners,

| | |
|---------------------------------|-------|
| _____ President | _____ |
| Attest: | |
| _____ Cindy Shelton, Auditor | _____ |
